



ANNO QUARTO & QUINTO

# GULIELMI IV. REGIS.

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## Cap. lxxxii.

An Act for erecting and maintaining a Gaol for the Royal Burgh of *Dundee* in the County of *Forfar*. [25th July 1834.]

**W**HEREAS the present Gaol of the Royal Burgh of *Dundee* in the County of *Forfar* is inconveniently situated (being in the upper Part of the Town House of said Burgh), insecure, and in other respects unfit for the Reception and Confinement of Persons lodged therein; and the Separation and Classification of Prisoners confined in said Gaol is impracticable: And whereas it is highly requisite and necessary for the said Burgh that a proper Gaol, with suitable Accommodations and Conveniences, should be erected and maintained in the said Burgh, and that for such Purposes a proper Situation and adequate Funds should be provided; but as these Objects cannot be effected without the Aid and Authority of Parliament, May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Magistrates and Town Council for the Time being of the Burgh of *Dundee* shall be and they are hereby nominated and appointed Commissioners for executing and carrying into effect all and every the Purposes of this Act, and the Powers and Authorities thereby given and granted.

Appoint-  
ment of Com-  
missioners.

II. And be it enacted, That on the Third *Thursday* after the passing of this Act the Commissioners for the Purposes thereof shall

Meetings of  
Commis-  
sioners.

[*Local.*]

hold their First Meeting for putting the same into execution within the Town Hall of *Dundee* at Twelve of the Clock Noon, of which First Meeting the Town Clerks of *Dundee* are hereby directed and required to give Notice, by Letter addressed to each of the said Commissioners, and put into the Post Office at *Dundee*, or delivered to them, at least Ten Days before the Day of such Meeting; and the said Commissioners shall and may at such Meeting, and at any subsequent Meeting to be holden under this Act, from Time to Time adjourn, and appoint their next Meeting to be holden at such Place within said Burgh and at such Time as to them shall seem proper; and if it shall so happen that there shall not be present at any Meeting of the said Commissioners a sufficient Number to form a Quorum under the Authority of this Act, the Commissioners or Commissioner then present, or if no Commissioner shall be present the Clerk to the said Commissioners, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day, to be holden at *Dundee*, within Ten Days from the Day on which such Adjournment shall be made; and the Clerk to the said Commissioners shall have Power, and he is hereby required, when thereto directed by a Writing under the Hands of any Seven or more Commissioners, to call at any Time an Extraordinary Meeting of the said Commissioners, to be held at *Dundee*, giving Notice of the Time and Place of holding such Extraordinary Meeting, by Letter addressed to each of the said Commissioners, and put into the Post Office at *Dundee*, or delivered to them, at least Ten Days and not more than Twenty Days before the Day of such Meeting, and which Notice shall state the Purpose of the Meeting; and at such Extraordinary Meeting no Business shall be entered into or decided upon other than what shall have been specified in the Notice given as aforesaid; and it shall not be in the Power of any Ordinary or Extraordinary Meeting to rescind, alter, or vary the Determination of any former Meeting, ordinary or extraordinary, unless previous Notice, stating the Intention of so doing, and the Time and Place of holding a Meeting for that Purpose, be given in such Manner as is directed in regard to an Extraordinary Meeting of the said Commissioners.

Quorum.

III. And be it enacted, That no Act of the said Commissioners shall be or be held or deemed to be good, valid, or effectual unless the same shall be done at some Meeting to be holden in pursuance of this Act; and that all the Powers and Authorities by this Act granted to the said Commissioners shall and may be exercised from Time to Time by the major Part of them who shall attend at any such Meeting, the Number of such Commissioners present at such Meeting not being less than Seven, who are hereby declared to be a Quorum.

Chairman of Meetings.

IV. And be it enacted, That at every Meeting to be held under the Authority of this Act, the Provost of the said Burgh, and in his Absence the senior Bailie of the said Burgh present, and in Absence of the Provost and Bailies the Dean of Guild of the said Burgh, and in Absence of all these the Treasurer of the said Burgh, and in his Absence the Commissioner present whose Name stands highest on the Roll for Rotation of Councillors of the said

said Burgh, shall be the Chairman, and shall, besides his deliberative Vote, have a casting Vote in Cases of Equality of Votes; and it shall be lawful for the said Commissioners, at any Meeting to be held under the Authority of this Act, to nominate and appoint a Clerk and Treasurer, and such Collectors, Surveyors, Superintendents of Works, or other Officers, as they may think necessary for the Purposes of this Act, who shall hold their Appointments at the Will and during the Pleasure of the said Commissioners, and shall have such reasonable Allowances for their Trouble as the said Commissioners shall fix and determine; and such Clerk, Treasurer, and Collectors, and such of the other Officers as the said Commissioners shall think proper, shall give Security to the said Commissioners for the due Execution of their Offices respectively, before entering upon the Duties of the same, and shall at all Times obey the lawful Commands and Instructions of the said Commissioners, and shall render Accounts of all Business done or Intromission had by them, under this Act, at least once in every Year, or oftener if required.

Commis-  
sioners to  
appoint  
Clerk, &c.

V. And be it enacted, That no Person appointed by this Act as a Commissioner for putting the same into execution shall hold the Office of Clerk, Treasurer, or Superintendent under the said Commissioners, or shall hold any Place of Profit arising out of or by reason of any Assessment hereby authorized to be levied.

Commis-  
sioners not  
to accept  
Places of  
Profit.

VI. And be it enacted, That it shall not be lawful for the said Commissioners to appoint the Person or Persons who shall be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Commissioners respectively; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer or Treasurers shall hold or accept of any Place or Office of Trust under the said Commissioners respectively other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered,

Same Person  
not to be  
Clerk and  
Treasurer.

recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Commissioners to sue and be sued in Name of their Clerk, or of One of the Commissioners.

VII. And be it enacted, That the said Commissioners may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Clerk, or any one of such Commissioners for the Time being to be named by the said Commissioners for that Purpose; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk or such Commissioner, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Commissioner, but the Clerk to the said Commissioners for the Time being, or such Commissioner as may be named by the said Commissioners for that Purpose, shall be deemed to be the Pursuer or Defender, as the Case may be, in any such Action or Suit.

Power to appoint Committees.

VIII. And be it enacted, That the said Commissioners may from Time to Time appoint a Committee or Committees of their Number to superintend the Progress of the Buildings to be erected, or to carry into effect all or any of the Purposes of this Act, on whom they may confer all or any of the Powers hereby vested in the Commissioners, and of which Committee or Committees any Three shall form a Quorum.

Limitation of Sums to be disbursed.

IX. And be it enacted, That the whole Sums of Money to be disbursed in the Execution of this Act (exclusive of the Expence of applying for, obtaining, and passing the same) shall not exceed the Sum of Twelve thousand Pounds and Interest of the Sums to be borrowed in virtue of the Powers herein-after contained; and the same, together with the Expences of applying for, obtaining, and passing this Act, shall be assessed and raised in manner herein-after mentioned.

Commissioners to build Gaol, &c.

X. And be it enacted, That the said Commissioners shall have Power and they are hereby authorized and empowered to build and erect a Gaol, together with such Offices and Buildings, and Yards, Courts, Airing Grounds, Workshops, and Out-offices connected therewith, as the said Commissioners may think necessary, for the said Burgh, and to make and complete the requisite Passages, Roads, and Avenues leading to and from the same, together with Wells, Pipes, Cisterns, and other Conveniences for supplying with Water and lighting the said Gaol, Buildings, Offices, and other Places when so built and erected, and to provide appropriate and suitable Furniture for the said Gaol, Offices, and others, and to make and enter into all Contracts and Agreements necessary for effecting the above Purposes, or of and concerning the same, and generally for effecting and executing all the Powers and Purposes of this Act, and hereby committed to and appointed to be executed by the said Commissioners.

Site of the Gaol, &c.

XI. And be it further enacted, That the said Gaol, Offices, Buildings, Courts, Yards, Airing Grounds, Workshops, Passages, Avenues, and other Conveniences and Accommodations hereby authorized

authorized and directed to be provided, shall be made, constructed, erected, and built on an Area or Piece of Ground presently occupied as Garden Ground belonging to the Town and Community of *Dundee*, commonly called the *Lower Chapelshade Gardens*, and situated immediately on the North of that Field commonly called the *Hospital Ward* of said Burgh, which said Area or Piece of Ground is bounded on the South by the said *Hospital Ward*, on the North by the Remainder of the said Field occupied as Garden Ground belonging to the Town and Community of *Dundee*, on the West by the Turnpike Road leading from *Dundee* to *Coupar Angus*, and on the East by the Line of the *Dundee* and *Newtyle* Railway, or on so much of the said Area or Piece of Ground or on such Part thereof as shall be necessary for the Construction of the same; and such Gaol and others hereby authorized and directed to be provided shall be erected, built, and finished, with all suitable Apartments, Furniture, and Conveniences, for the Confinement of Debtors and Criminals, and others liable to Incarceration, as after provided, with proper Yards and Airing Grounds, Workshops, and other Conveniences for the Separation and Classification and Work of Prisoners, in all respects in such Way and Manner as the said Commissioners shall deem suitable, with proper Avenues and Passages leading to and from the said Gaol, and others; and the Use of such Yards and Airing Grounds by the Prisoners confined in such Gaol, or the Removal of such Prisoners from one Part of such Gaol to the other, or Apartments, Buildings, or Premises connected therewith, shall not be held, deemed, or taken to be an Escape or Escapes, any Law or Practice to the contrary notwithstanding.

XII. And be it further enacted, That the said Commissioners, or Committee appointed by them, shall have full Power and Authority to contract with and employ any Artists, Tradesmen, and other Persons, although not Freemen of the said Burgh, for making, altering, or amending Plans, and for building and erecting, and in all respects fitting up and completing, the said Gaol, Offices, and other Buildings, Conveniences, and others, and for supplying the same with Water and Light, in all Time coming, and to direct Alterations and Improvements on the said respective Works at all Times during the Execution thereof, and to do whatever may be necessary and proper for carrying the Purposes of this Act into full and complete Effect and Execution; and to purchase suitable Furniture for the said Gaol, Offices, Buildings, and others, when the same are respectively completed.

Power to contract with Tradesmen, &c.

XIII. And be it further enacted, That the Ground or Site upon which the said Gaol and others are to be built shall be provided by the said Magistrates and Town Council of *Dundee* without any Payment or Compensation whatever for the same.

Site to be provided by the Town Council of *Dundee*.

XIV. And whereas by an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for the better paving, lighting, watching, and cleansing the Burgh of Dundee, and for building and maintaining a Bridewell there*, the Commissioners thereby appointed were authorized to provide a Bridewell or Correction House for

Police Commissioners to contribute 6000*l*.

the Reception of such Persons as should be convicted of Crimes committed within the Bounds comprehended within the said Act, and a proper Police Office, containing a Court Room, and suitable Accommodation for the Meetings of the said Commissioners and their Committees, and for the several Officers of the Establishment, with Apartments or Cells for Prisoners, and proper Watch-houses in different Situations, so as that the Sums to be disbursed for these Purposes respectively should not exceed the Sums of Four thousand Pounds and Two thousand Pounds: And whereas the said Bridewell or Correction House, and other Accommodations, have not yet been provided, and it would be more convenient, and would also be a considerable Saving of Expence, if the Commissioners acting under the Authority of the said recited Act were authorized to contribute the said Sums towards the Funds of this Act, on condition that Provision be made for securing to the said Commissioners, in the Buildings to be erected under the Authority of this Act, suitable Accommodations of the Kind and for the Purposes for which the said Commissioners were authorized to disburse the said Sums; be it therefore enacted, That the Commissioners under the said recited Act shall and they are hereby required, in virtue of the Powers thereby given and granted to them, to raise and levy the said Sums of Four thousand Pounds and Two thousand Pounds, and to pay over the same to the Commissioners acting under the Authority of this Act, to be by them applied towards the Purposes thereof: Provided always, that the Commissioners acting under this Act shall be bound and obliged and they are hereby required to provide, in the Building to be by them erected by virtue of this Act, a proper Police Office, containing a Court Room, and suitable Accommodation for the Meetings of the Commissioners of the said recited Act and their Committees, and for the several Officers of the Police Establishment, and other suitable Accommodations of the Kind and for the Purposes in respect of which the said Sum of Two thousand Pounds was by the said recited Act authorized to be disbursed; and when the Gaol to be erected under this Act is completed and delivered over to the Magistrates and Town Council of the said Burgh, as after provided, the said Magistrates shall permit and suffer the same to be used for the Reception of such Persons as shall be convicted of Crimes committed within the Bounds comprehended in the said recited Act, and who shall be ordered to be committed thereto by Warrant of any of the Provost, Bailies, or Dean of Guild of *Dundee*, or Sheriff Depute of the said County, or his Substitutes, acting as Judges under the said recited Act, or of any of the said Provost or Bailies in their proper Court as Magistrates of *Dundee*, or of any of the said Sheriff Depute and Substitutes, or of the Justices of the Peace of the County of *Forfar*, in their respective Courts; which Warrant or Warrants the said Provost, Bailies, Dean of Guild, Sheriff Depute and Substitutes, and Justices, are hereby respectively authorized to grant in respect of any Person or Persons convicted of Offences committed within the Bounds to which the Operation of the said recited Act extends, in the same Manner in all respects as if the same had been the Bridewell or Correction House erected under the Powers contained in the said last-recited Act.

Buildings to  
be provided.

Use of the  
Goal.

XV. And

XV. And be it further enacted, That it shall be lawful to and in the Power of the said Commissioners acting under the Authority of this Act, and they are hereby authorized and empowered and required, to assess or to cause to be assessed, rateably and proportionally, as after mentioned, upon all inhabited and other Houses and Buildings, Shops, Cellars, Vaults, Counting-houses, Warehouses, Mills, Spinning Mills, Manufactories, Manufacturing Premises, Breweries, and other Buildings, Quarries, and all Timber Yards, Coal Yards, Lime Yards, and all other Places where Goods or other Property is deposited or Business is carried on, and Pertinents thereof, and all other Heritages and heritable Properties whatsoever, situated within the Limits of the said Burgh of *Dundee*, as described in an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for extending the Royalty of the Burgh of Dundee, and for amending the Sett or Municipal Constitution of the said Burgh*, such a Sum of Money as, with the said Sums which the Commissioners acting under the Authority of the said Act of the Fifth Year of the Reign of His late Majesty are required to levy and pay over as aforesaid, shall amount to the Sum which the Commissioners under this Act are herein-before authorized to disburse for the Purposes thereof, with the Interest and Expences of obtaining this Act, as before provided, which Assessment shall be leviabie and payable by such Proportions and Instalments as the said Commissioners may deem most proper, and shall be imposed by the said Commissioners upon all such inhabited and other Houses and Buildings, Shops, Cellars, Vaults, Counting-houses, Warehouses, Mills, Spinning Mills, Manufactories, Manufacturing Premises, Breweries, and other Buildings, Quarries, and all Timber Yards, Coal Yards, and Lime Yards, and all other Places where Goods or other Property is deposited or Business is carried on, and Pertinents thereof, and all other Heritages and heritable Properties whatsoever situated within the said Limits of the said Burgh, and according to the annual Value at which the same shall be estimated, as after mentioned: Provided always, that no Assessment shall be imposed upon Hospitals or Houses for charitable Purposes, Churches, Places of Worship, Public or Parish Schools, or Places used solely for Science or Education, or upon Farm Houses or other Buildings used exclusively for Agricultural Purposes; and that no such Assessment shall be made and imposed on any House, Shop, Warehouse, Cellar, Vault, or other Building in the Occupation of the Owner the Rent of which shall be under Three Pounds Sterling *per Annum*, nor upon any Garden, Shop, House, Warehouse, Cellar, Vault, or other Building, which shall be unoccupied or unfurnished for any One whole Year from *Whitsunday* to *Whitsunday*, for which any Assessment shall be made, nor upon the Town House of *Dundee*.

Assessment to be made.

1 &amp; 2 W. 4. c. 46.

XVI. And be it further enacted, That as soon as may be after the passing of this Act, and annually thereafter, so long as any Assessment is to be imposed by virtue of this Act, the said Commissioners shall cause to be made out by their Surveyor, or other competent Person or Persons, a Roll stating the yearly Value at which the Houses, Buildings, and other Premises and Heritages before specified, liable in Assessment under this Act, ought to be estimated, together with the Names of the Person

Roll of Assessment to be made out.

Person or Persons liable in such Assessment; which Roll the said Surveyor or Person or Persons shall verify upon Oath as made according to the best of his or their Knowledge and Judgment, and the said Commissioners shall, on a Day to be by them appointed, of which Notice shall be given as of an Extraordinary Meeting, meet and adjust the said Roll, and fix the Sum to be raised by Assessment for the then current Year, and the Amount in which each Person shall be liable: Providing always, that, in making and levying the said Assessments hereby authorized to be raised, levied, and recovered, the Engines and Machinery contained in the said Spinning Mills shall not be considered as in their Nature heritable, and shall not be taken into account in ascertaining the yearly Value of the said Spinning Mills for the Purpose of making the said Assessments.

Notice of  
Assessment  
to be given.

Appeal may  
be made.

XVII. And be it enacted, That after the said Roll shall be made up a printed Notice shall be left at the Dwelling House or other Premises of, or sent through the Post Office addressed to, every Person to be assessed for the Purposes of this Act, specifying the Amount of the Rent upon which such Assessment is to be made, and the Amount of such Assessment payable by such Person; and if any Person or Persons shall think himself, herself, or themselves aggrieved by such Assessment, it shall be competent to him, her, or them, within Ten Days after such Notice shall have been left or sent as aforesaid, to apply for Redress to the said Commissioners, and in case of being dissatisfied with their Determination to appeal therefrom, within Ten Days after such Decision, to the Sheriff Depute of the said County, or his Substitute, giving Notice to the Clerk of the said Commissioners before lodging such Appeal; and the Determination of the said Sheriff Depute or Substitute in regard thereto shall be final and conclusive, and not subject to Review in any Manner of Way.

Recovery of  
Rates.

XVIII. And be it enacted, That if any Person or Persons who shall be so rated and assessed as aforesaid shall refuse or neglect to pay the Rates or Assessments charged upon him, her, or them, for the Space of Twenty Days next after such Rates or Assessments shall be due and demanded by the said Collector, such Demand being made by a written or printed Notice to be left at his, her, or their respective Dwelling Houses, Places of Abode, Shops, or other Places of Business, it shall be lawful for the said Collector to apply to the Sheriff of the County, or any of his Substitutes, for a Warrant to any of their Officers to enter the Houses or Shops and to seize and take Possession of the Goods and Effects of the Person or Persons so refusing or neglecting as aforesaid; and it shall be competent to the said Sheriff or Substitutes and they are respectively hereby authorized and required to grant such Warrant upon a Certificate signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person or Persons being in arrear to the Amount stated in the Certificate; and if such Rates or Assessments shall not be paid, together with the Costs and Charges incurred in obtaining such Warrant (as the same shall be fixed by the Person granting the Warrant, and stated therein), upon Presentment of the said Warrant to the Party or Parties, or at his or their Dwelling Houses or Shops or other Premises, then the Collector is hereby  
authorized



authorized to cause an Officer or Officers to seize and take possession of so much of the Goods and Effects of the Person or Persons refusing or neglecting to pay as aforesaid as shall appear sufficient for satisfying by the Sale thereof the Assessments due by him, her, or them respectively, with the Costs fixed as aforesaid, and any further Costs or Charges incurred or to be incurred in carrying the Warrant into execution; and if such Rate or Assessment shall not be paid within Ten Days after Seizure is made, together with the Costs and Charges, then the Collector is hereby authorized to carry away and sell the said Goods and Effects so seized by public Roup at the Market Cross of the said Burgh of *Dundee*, returning the Surplus of the Price, if any be, after Payment of the Assessment and Costs, to the Owner or Owners of the said Goods and Effects; and the Collector shall be bound to preserve the Warrant of such Seizures and Sales, and enter in a Book to be kept for the Purpose the Names of the Parties proceeded against, the Assessment due, the Expence of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested for One Month after the Date of each Sale respectively; and at any Time within that Month it shall be competent to any Party considering himself aggrieved to complain to the said Sheriff or Substitute of any thing done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions (subscribed by the Complainer or Complainers), One Petition only being allowed in each Case; and the Decision of the Judge to whom the Petition is presented shall be final, and not subject to Review in any Court or Form whatever; or the Collector may sue for and otherwise recover the said Rates and Assessments according to Law in any Court of competent Jurisdiction; and no Misnomer or trifling Mistake or Informality committed in any of the above Proceedings shall prejudice the Recovery of the said Rates; and it is hereby declared, that none of the foresaid Proceedings shall fall, lapse, cease, or abate by the Death or Removal of such Collector, and it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in Name of any previous Collector in all respects as if such Procedure had been all along carried on by himself; and it is hereby further declared, that it shall not be competent for any Person or Persons to sue nor for any Court of Law to entertain any Action or Proceeding against the said Commissioners, Collectors, or Officers, or other Persons employed in executing any such Warrant, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant are *bonâ fide* the Property or in the lawful Possession of the Person or Persons actually liable in Payment of the said Assessment under the Provisions of this Act.

XIX. And be it further enacted, That it shall not be lawful to the said Commissioners to levy under the said Assessment to be imposed by them under the Authority of this Act a greater Sum in any one Year than the Sum of Nine hundred Pounds Sterling.

Limitation  
of Sum to be  
levied in  
One Year.

XX. And be it further enacted, That such of the said Assessments as shall remain unpaid at the End of Six Months from the Time  
[Local.]

Assessments  
to bear In-  
terest.

when the same shall become exigible shall bear Interest at the Rate of Five *per Centum* from the Expiry of the said Six Months; and such Interest shall be recoverable from the Persons liable in the Payment of the said Assessments, and shall be levied and recovered in the same Way and Manner as the said Assessments themselves; and the Collectors shall account for and pay over all Monies collected and recovered by them to the said Commissioners or their Treasurer for the Time being, and that from Time to Time and immediately as the same are collected; and the Collectors shall have such an Allowance as may be fixed by the said Commissioners respectively as in full Satisfaction of their Claim for Trouble and Expence incurred by them in collecting the same.

Assessment  
to be borne  
by Owners  
of Lands,  
&c.

XXI. And be it further enacted, That the Amount of any such Assessment shall, notwithstanding what is before mentioned, be borne wholly by the Owners of Lands as well as of Houses and all other Heritages within the said Burgh: Provided nevertheless, that the whole of such Assessment upon Houses, Buildings, Shops, Cellars, Vaults, Counting-houses, Warehouses, Mills, Spinning Mills, Manufactories, Manufacturing Premises, Breweries, and other Buildings, Quarries, and all Timber Yards, Coal Yards, and Lime Yards, and all other Places where Goods or other Property is deposited or Business is carried on, and Pertinents thereof, and Fishings, and others foresaid, may be recovered from the Occupiers thereof in the first instance; but such Occupiers shall be entitled and they are hereby authorized to retain from their Landlords respectively out of the first and readiest of their Rents the whole Amount of such Assessment so paid by them, which such Landlords are hereby required and obliged to allow as Part of the Rent due for such inhabited Houses, Warehouses, and others last before enumerated, on Production and Delivery of the Collector's Receipt for the same: Provided always, that the Holders or Occupiers of such Houses, Shops, Warehouses, and others last before enumerated in virtue of Leases of the Endurance of Fifty-seven Years and upwards shall for the Purposes of this Act be held and considered to be the Owners thereof: And provided further, that no such Occupier shall be liable in the Payment of any such Assessment to any further Extent than the Rent actually due by such Occupier at the Time when such Assessment shall become payable, or which shall become due thereafter: And provided further, that the said Owners shall have Relief from the Holders of heritable Securities over, and the Superiors or heritable Creditors in, their Properties so assessed, for such a Proportion of the said Assessment as the annual Rent, Feu Duty, or Ground Annual respectively bears to the yearly Value at which such Property shall have been rated as aforesaid, and shall be entitled to retain such Proportion out of the annual Rent, Feu Duty, or Ground Annual respectively, as the same falls due.

Heirs of Entail may charge Estates.

XXII. And be it further enacted, That every Proprietor of an entailed Estate, who shall pay Assessments under this Act, shall be a Creditor to the succeeding Heirs of Entail, in the Manner after mentioned, for Three Fourth Parts of the Money so to be paid.

XXIII. And be it further enacted, That the Person or Persons having Right to the Claim arising for Money so to be paid as aforesaid by the Proprietor of an entailed Estate in discharge of Assessments under this Act may, after the Expiration of One Year from the Death of such Proprietor, require the Heirs succeeding to such Estate to repay the said Three Fourth Parts of the said Money so paid, with the legal Interest thereof from the Term at which the said succeeding Heir's Right to the Rents of the Estate shall commence, upon receiving a proper Assignment and Conveyance of the said Claim; and if the Money so due be not paid within Three Months after such Requisition it shall be lawful for the Person or Persons having Right thereto to sue such Heirs in manner directed for the Recovery of Money expended on the Improvements of entailed Estates by an Act passed in the Tenth Year of the Reign of His Majesty *George* the Third, intituled *An Act to encourage the Improvement of Land, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlements of strict Entail.*

How such Charges may be recovered.

10G.3. c.51.

XXIV. And be it further enacted, That the same Rules of Relief among succeeding Heirs of Entail, and their Heirs and Successors, of the Claims for Debts, and of Preference in Competition of Rents, and in subjecting Defenders to the Payment of Costs, shall take place with regard to Monies expended by the Proprietors of entailed Estates in Payment of Assessments under this Act as are enacted and prescribed by the said recited Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third, with respect to Monies expended by Proprietors of entailed Estates in making Improvements upon their Estates for increasing the Rents and Value thereof.

Rules of Relief among Heirs of Entail.

XXV. And be it further enacted, That for raising the Money necessary for the defraying the Costs and Expences incident to or attending the obtaining and passing of this Act, and for carrying the several Powers, Purposes, and Provisions hereof into execution, or for any other Purpose hereby authorized, it shall and may be lawful to the said Commissioners, and they are hereby authorized and empowered, if they shall find it necessary, from Time to Time to raise and borrow from any Person or Persons, or Bodies Politic or Corporate, who may be willing to advance and lend the same, on the Credit respectively of the Rates or Assessments hereby authorized to be raised, any Sum or Sums of Money, not exceeding in whole, Principal and Interest payable thereon, the Sum hereby authorized to be levied; and the said Commissioners or any Two of them respectively are hereby authorized and empowered, by Bond and Assignment, or other Instrument in Writing, to assign and convey over the Whole or any Part of the said Rates or Assessments to the Person or Persons or Bodies Politic or Corporate who shall advance or lend such Money, as a Security for the same, or for the Repayment of the Money so to be borrowed as aforesaid, together with such Rate of Interest as the said Commissioners and the Party lending such Money shall agree upon; which Interest shall be charged against and allowed out of the Sums authorized by this Act to be assessed, raised, levied, and recovered as Part of the Sums expended for the Purposes thereof; and the Charges or Expences of such Security or Securities respectively shall be from Time to Time defrayed out of the Money advanced upon such Security:

Power to borrow.

curity: Provided always, that the said Commissioners shall not be personally subject or liable to pay the Money so borrowed by reason of their subscribing such Assignments, or authorizing the same; and in case of borrowing on their own personal Security for the said Purposes, the said Commissioners shall have Security and Relief for Repayment of the Amount so borrowed upon the Funds, Property, and Assessments to be raised under the Authority of this Act or of the said Act of the Fifth Year of the Reign of His late Majesty, so far as such Funds, Property, and Assessments shall not have been previously made over as Security for any other Sum or Sums of Money borrowed by the said Commissioners.

XXVI. And be it further enacted, That such Bonds and Assignments shall be in the Words and Form following, or as near thereto as may be; *videlicet*,

‘ Number [*here state the Number*].

Form of  
Bond and  
Assignment.

‘ **BY** virtue of an Act made in the Year of the  
‘ Reign of His Majesty King *William* the Fourth, intituled *An*  
‘ *Act* [*here set forth the Title of this Act*], We, whose Names are  
‘ hereunto set and subscribed, being Commissioners by the said  
‘ Act appointed, and by the Authority of the said Commissioners,  
‘ in consideration of the Sum of Sterling  
‘ [*here state in Words at length the Amount of the Sum for which*  
‘ *the Bond and Assignment is granted*], instantly lent and paid  
‘ to the said Commissioners, and for the Purposes of the said  
‘ Act, by *E. F.* of *G.*, do hereby bind and oblige the said Com-  
‘ missioners for the Time being, out of the first and readiest  
‘ of the Monies to be raised under the Assessment authorized by  
‘ the said Act to be imposed and levied, to pay to the said *E. F.*, his  
‘ Executors, Administrators, or Assigns, Interest for the said Sum at  
‘ the Rate of [*here state the agreed-on Rate of Interest*] *per Centum per*  
‘ *Annum* regularly in the Year at least on [*here*  
‘ *state the agreed-on Term of Payment of the Interest*], if demanded,  
‘ from the Date hereof, and to repay such Principal Sum of [*here*  
‘ *state the Amount of the Sum lent*], and all Interest which shall arise  
‘ thereon, not before paid, to the said *E. F.*, his Executors, Admi-  
‘ nistrators, or Assigns, at the Term of [*here state the agreed-on*  
‘ *Term of Payment of the Principal*], which shall be in the Year  
‘ [*here state the agreed-on Year of Payment of the Principal*]; and  
‘ for the further Security of the said *E. F.* and his foresaids we do  
‘ hereby assign to the said *E. F.*, his Executors, Administrators, or  
‘ Assigns, such Proportion of the said Monies to be raised under  
‘ the said Assessment as shall be equivalent to the said Sum of [*here*  
‘ *again state the Amount lent*], and the Interest to become due thereon  
‘ as aforesaid, from the Date hereof to the said Term of Payment. In  
‘ witness whereof, these Presents, written by [*here insert the Name and*  
‘ *Designation of the Writer*], are subscribed by us, Two of the said  
‘ Commissioners, for and on behalf of and as authorized by the said  
‘ Commissioners, at [*here insert the Place and Date of subscribing in*  
‘ *Words at length*], before these Witnesses [*here insert the Names and*  
‘ *Designations of the subscribing Witnesses*].

‘ *G. H.* Witness.

*A. B.*

‘ *K. L.* Witness.

*C. D.*

And

And every such Bond and Assignment, being duly subscribed by at least Two of the said Commissioners, and authorized at a Meeting of the said Commissioners, shall be good and sufficient, to all Intents and Purposes, till Repayment of the Principal Monies and Interest to arise thereon; and such Bonds and Assignments respectively shall be a Lien and Charge on the Rates and Assessments granted by this Act, and shall entitle the Holder of such Securities for the Time being to recover such Principal Monies and Interest from the said Commissioners respectively, and their Treasurer, Collector, or other Officers, having the Management of or receiving such Rates or Monies arising from such Assessments, out of the first and readiest of the Rates and Monies assigned, and that by ordinary Action, to be brought, if necessary, before the Sheriff of the County of *Forfar*, or his Substitute for the *Dundee* District of the said County, or by any other Form known in the Law of *Scotland*, together with the full necessary Expences of such Action, and of recovering such Monies and Interests.

XXVII. And be it further enacted, That all Bonds and Assignments to be granted in Security of Money to be borrowed for the Purposes of this Act shall be transferable from Time to Time by Transfer or Indorsement by the Creditor in such Bond, which may be written on the Back thereof, and subscribed by the Creditor or Creditors transferring, in Presence of Two subscribing Witnesses; and that such Transfer and Indorsement shall be in the following Words, or in Words to the like Effect; *videlicet*,

Bonds to be transferable by Indorsement.

‘ I *E. F.*, within designed, do transfer this Bond and Assignment,  
 ‘ with all Right, Title, or Interest which I have under the same,  
 ‘ to *M. N.* [his, her, or their, *as may be*,] Executors, Administrators, or  
 ‘ Assigns. Signed by me at this  
 ‘ Day of  
 ‘ *O. P.* Witness. (Signed) *E. F.*  
 ‘ *R. S.* Witness.

XXVIII. And be it further enacted, That all such Bonds and Assignments in Security of Money to be borrowed as aforesaid, and such Transferences or Indorsements thereof, shall, within Ten Days of the Date thereof respectively, be produced to the Clerk of the said Commissioners, and shall by him be entered in a Book to be kept for that Purpose; and after such Entry so made, and also certified by the said Clerk on the Back of such Bond, or upon such Indorsement and Transference, every such Transference shall be held to be duly and legally intimated, and shall entitle the Assignee or Transferee to the full legal Right and Benefit of the Principal Sum and Interest due in respect of such Bond so assigned and transferred, without other or further Registration or Intimation; and the Person or Persons to whom any such Principal Money and Interest shall be so assigned or transferred, and the respective Executors, Representatives, or Assigns, shall come in every respect in the full Right and Place of the Person or Persons to whom such Bond or Assignment was originally granted.

Transferences to be entered in a Book.

XXIX. And be it further enacted, That the said Commissioners or their Treasurer shall lodge all and every Sum or Sums of Money  
 [Local.] 26 E which

Money raised to be lodged in a Bank.

which they shall receive or borrow in virtue of the Powers hereby granted with the *Dundee* Banking Company, the *Dundee* Union Bank, or the *Dundee* Commercial Bank, at *Dundee*, therein to remain until the same shall be required.

Books to be kept.

XXX. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk, Treasurer, or other Officers for the Time being, in which Book or Books shall be entered Minutes of their Proceedings in the Execution of this Act, and true and regular Accounts of all Sums of Money assessed, received, paid, laid out, and expended by virtue or in pursuance of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been so disbursed, laid out, and paid, under the Authority of this Act, which Accounts shall be annually examined, with the Vouchers, and docketed by the said Commissioners; and an Abstract of the Receipt and Expenditure, authenticated by the Signature of Two or more of the said Commissioners, shall be made out and entered in the said Books; and the Books so kept shall at all reasonable Times be open to the Inspection of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, or paying the Rates imposed by this Act, or otherwise affected thereby, without Fee or Reward; and the said Commissioners and Persons aforesaid, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying for the same.

Officers to account.

XXXI. And be it further enacted, That every Officer and Person who shall be appointed or employed under the Authority of this Act shall from Time to Time, when thereunto required by the said Commissioners, or others having their Authority, by Writing under the Hands of a Quorum or Committee thereof, make out and deliver to the said Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Accounts, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Commissioners, or by any Person on their Behalf, to any Justice of the Peace of the County of *Forfar*, such Justice may

and he is hereby authorized and required, by Warrant under his Hand, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Accounts, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or other competent Evidence, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Accounts in Writing as aforesaid, or to produce and deliver to such Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the Justice may and he is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Gaol of the said Burgh of *Dundee*, there to remain, without Bail, until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Commissioners for such Money and Charges, and paid the Composition Money to the said Commissioners (and which Composition the said Commissioners are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed for want of sufficient Distress or Means of Payment shall be detained in Prison for any longer Period of Time than Three Calendar Months.

XXXII. And be it further enacted, That when the said Gaol is erected as aforesaid, such Gaol, together with the Yards, Airing Grounds, and other Conveniences attached thereto or connected therewith, shall be held and declared to be the legal Gaol or Prison of the said Burgh of *Dundee*, and, as such, shall be given over to the Magistrates and Town Council of the said Burgh, and shall remain in all Time thereafter as coming in lieu and place of the old Gaol of the said Burgh, for the Reception and Custody of all Persons who may legally be committed to the Gaol of the said Burgh; and the keeping, regulating, and upholding of the said Gaol shall be vested in the Magistrates and Town Council of the said Burgh, who shall thereafter be bound to provide a Governor or Gaoler, Turnkey or Turnkeys, and all other Officers and Servants necessary for performing

Gaol, &c. to be public, and to be delivered over to the Magistrates.

performing the proper Services and Duties of the Gaol, and, under the Provision after mentioned, to defray the Charges and Expences thereof, and shall have and be subject to the entire Responsibility for the same, and for the Persons committed therein, in such and the like Manner as they now have with respect to the present Gaol of the said Burgh; and nothing in this Act shall be deemed to alter or diminish the Rights and Privileges or to alter the Responsibility of the said Magistrates, as the same now are or stand according to the Law and Usage of *Scotland* in relation to the Gaols of Royal Burghs, unless in so far as the same are hereby expressly varied and altered; nor shall any thing in this Act contained alter or affect the Law as to the Maintenance of Prisoners committed or detained in said Gaol, but on the contrary the same shall remain as at present in all respects: Provided always, that Prisoners committed to and detained in said Gaol, under Warrants or Sentences of the Judges acting under and by virtue of the said recited Act of the Fifth of His late Majesty, for better paving, lighting, and watching the said Burgh of *Dundee*, or any Act or Acts for altering or amending the same, shall be maintained from the Funds under the Management of the Commissioners of Police acting under the same, in manner as has been the Case heretofore: Provided nevertheless, that the free Produce of any Labour performed by such Prisoners, so far as not paid over to the Prisoners themselves, shall be allowed and applied towards the Aliment of such Prisoners, and in computing the same no Sum shall be stated for Cost of Management, or for Fuel, Bedding, or the like, but only the actual Sums paid for Provisions shall be stated.

Prisoners to  
be removed  
to new Gaol.

XXXIII. And be it further enacted, That when the said Gaol is erected, and declared by competent Authority to be the legal Gaol and Prison of the said Burgh, and shall be ready for the Reception of Prisoners, the Magistrates of the said Burgh shall thereupon remove or cause to be removed to such new Gaol all Debtors, Felons, and other Prisoners then in their Custody; and such Removal shall not be deemed or taken to be an Escape or Escapes, or infer any Risk, Damage, or Liability whatever; and any Warrant of the said Magistrates, whether civil or criminal, shall be deemed equally effectual and sufficient to commit Prisoners to the said Gaol, notwithstanding the same may not be within the ancient Royalty of the said Burgh, as if the same were situated within the ancient Royalty.

Prisoners  
may be put  
to hard La-  
bour where  
liable to that  
Mode of Pu-  
nishment.

XXXIV. And be it further enacted, That in every Case where, by any Statute made or to be made, a Culprit is subjected to hard Labour, or where such Punishment is authorized by the Law of *Scotland*, it shall and may be lawful for the Sheriff of the County of *Forfar*, and his Substitute in the *Dundee* District of the said County, when the Offence of which such Sheriff or Substitute has found such Culprit guilty has been committed within the said Burgh, but not otherwise, and for the Magistrates of *Dundee*, to grant Warrant for committing such Culprit to the said Gaol, to be kept at hard Labour, where by the Statute or Common Law of *Scotland* the Offences of which such Culprit has been convicted may be so punished by being kept at hard Labour under Confinement; and the Magistrates of *Dundee* are hereby  
authorized



authorized and enjoined to make Provision for the due Execution of such Warrants, and they shall have Power to make such Bye Laws, Rules, and Orders for the Regulation of Prisoners so confined as shall appear to them necessary in regard to the receiving, separating, classifying, dieting, clothing, maintaining, employing, reforming, governing, managing, treating, and watching the said Prisoners during their respective Confinements: Provided always, that such Bye Laws, Rules, and Orders shall not be repugnant to or inconsistent with the Provisions of this Act or the Law of *Scotland*; and the said Magistrates shall have Power to provide for the said Gaol a Stock of such Tools, Materials, or other Necessaries as shall be fit and requisite for the Employment and Labour of the different Classes of the Prisoners sentenced to hard Labour, and shall put the Prisoners so sentenced upon Work and Employment proportioned to and consistent with the Sex, Age, Health, and Ability of each Individual, and shall, if necessary, engage proper Persons for instructing the Prisoners in such Work, and shall apply the Proceeds of such Work towards the Maintenance of the Prisoners so employed.

XXXV. And be it further enacted, That no Period of Confinement in the said Gaol to be erected in virtue of this Act shall be held to constitute a legal Settlement so as in virtue thereof to give any Claim on the Poor's Funds, or under that Pretence to enable any Person to become a Burden on the same.

Imprisonment not to infer Settlement.

XXXVI. And be it further enacted, That no Wine or Spirituous Liquors of any Sort be sold or admitted within the said Gaol, unless by Order of a Surgeon or other Medical Person, and when necessary by way of Medicine; and no Profit or Advantage shall directly or indirectly arise to the Keeper, Gaoler, or any of the Assistants or Servants of the said Gaol, from the Sale or Admission of any such Liquor; and any such Keeper, Gaoler, Assistant, or Servant offending against this Regulation, or receiving any Fee or Gratuity from any Prisoner confined in the said Gaol, shall be dismissed from his Office, and shall forfeit and pay a Sum not less than One Pound nor more than Five Pounds, to be levied, recovered, and applied as any other Penalty under this Act may be levied, recovered, and applied.

Spirituous Liquors, &c. not to be sold.

XXXVII. And be it enacted, That the Magistrates of *Dundee* shall be and are hereby authorized to make Regulations for the Government of the said Gaol, for the Classification and Arrangement of Prisoners, and for fixing the Fees to be paid by Creditors on lodging Debtors in Gaol: Provided always, that the said Magistrates shall in framing such Regulations have due Regard to the Safety of the Prisoners, that the said Regulations shall not be inconsistent with the Provisions hereof, or with the Law of *Scotland*, and that no Fees of any Description shall be exigible from any Prisoner, any Law or Practice to the contrary notwithstanding; and the Regulations so to be framed shall be posted in the Town Clerk's Office of *Dundee* for the Inspection of the Public, and also in the said Gaol for the Inspection of Prisoners.

Magistrates to frame Regulations for Government of Gaol.

XXXVIII. And be it enacted, That all Fines, Penalties, and Forfeitures awarded and recovered in Prosecutions before the Sheriff and  
[Local.] 26 F Sheriff

Penalties imposed by Sheriff to be applied to

the Pur-  
poses of this  
Act.

Sheriff Substitutes, Justices of the Peace, and Magistrates of said Burgh, for Offences committed in the said Burgh not connected with the Revenue Laws, shall, after deducting the Expence of recovering the same, be paid to and form Part of the Funds and be applied under the Direction of the Magistrates of *Dundee* towards defraying the annual Charge of said Gaol, so far as incurred in reference to Prisoners subjected to hard Labour; and a Book shall be kept, under the Direction of the said Magistrates, in which shall be entered an accurate Statement of all such Fines, Penalties, and Forfeitures, and which Book shall at all Times be patent and open to the said Sheriff and his Substitutes in the said District, and to the said Justices and Magistrates, or any One of them, who may take Copies or Excerpts therefrom, without Payment of any Charge or Expence.

Commission-  
ers may sell  
Materials  
not wanted.

XXXIX. And be it enacted, That it shall and may be lawful to the said Commissioners, and they are hereby authorized and empowered, to sell by public Auction, after due public Notice to that Effect, all Materials purchased or acquired, but not used, under the Authority of this Act, and to apply the Money arising therefrom to and for the Purposes of this Act, but to no other Use or Purpose whatever.

Expence of  
temporary  
Gaols to be  
repaid.

XL. And whereas, in consequence of the Insufficiency, Insecurity, and unhealthy Condition of the present Gaol of the said Burgh, the Magistrates and Council of the same have been recently obliged to fit up and get legalized temporary or auxiliary Places of Confinement or Gaols for the said Burgh, in doing which a considerable Expence has been necessarily incurred, for the Repayment of which it is proper to provide out of the Funds to be raised by this Act; be it enacted, That all such Expences, not exceeding in the whole the Sum of Seven hundred Pounds, as the same shall be fixed and ascertained at some regular Meeting of the said Commissioners, shall be repaid to the Magistrates and Town Council of *Dundee* by the said Commissioners, and shall be defrayed out of the Sums hereby authorized to be levied.

Accounts of  
Expence to  
be lodged.

XLI. And be it enacted, That when the said Gaol, Offices, and other Conveniences shall be erected and completed, an accurate Account of the whole Expence incurred in the Execution of this Act up to that Time shall be made up and attested by the said Commissioners or their Quorum aforesaid, which Account, along with the Books, Papers, Receipts, and other Writings, Plans, Drawings, and Designs relative to the Execution of the Buildings, shall be deposited with the Town Clerks of *Dundee*, to be by them lodged among the Records of said Burgh, to remain for the Information of all concerned; and when the said Gaol, Offices, and others shall be so erected and finished, and the said Accounts and the Vouchers and others deposited as aforesaid, and when the Duties hereby devolved upon the said Commissioners have thus been performed, the Powers and Duties of the said Commissioners shall terminate and cease, and the same are hereby accordingly upon that Event declared to be at an End.

Powers of  
Commission-  
ers to ter-  
minate.

XLII. And

XLII. And be it enacted, That the Provisions of an Act of the *Scottish* Parliament passed in the Year Sixteen hundred and ninety-six, intituled *An Act anent the Aliment of poor Prisoners*, and another Act passed in the Sixth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act to amend an Act of the Scottish Parliament relative to the Aliment of poor Prisoners*, shall extend and apply to all Prisoners committed to the said Gaol under Letters of Lawburrows, or as being *in meditatione fugæ*, and also to any Prisoners that shall be committed to the said Gaol for Payment of any Debt or Penalty under any Statute relating to the Revenue or to the Game Laws: Providing always, that the Intimations directed by the said Acts to be made to Creditors shall in relation to Debtors committed to the said Gaol be made either to the Person at whose Instance such Persons shall have been committed, or to his known Agent in *Scotland* having the Charge of the Warrant or Diligence upon which such Debtor may be so committed or detained, or to the nearest Collector of the Department of the Revenue to which such Debt or Penalty under any such Statute shall belong.

Acts 1696  
and 6 G. 4.  
c. 62. to  
apply to  
Prisoners  
confined in  
new Gaols.

XLIII. And be it enacted, That the said Gaol and Offices, with the Grounds, Areas, Yards, Buildings, and Conveniences thereto belonging, shall not be subject to any County, Burgh, or Parochial Tax or Cess, or to any Police Assessment whatever; and the Magistrates of *Dundee* shall be bound to insure the said Buildings, with the Furniture, Machinery, Materials, and other Articles therein, against Risk by Fire, to such Extent as the Commissioners under this Act may fix and direct, and the Expence of such Insurance shall be paid out of the Funds of said Burgh.

Buildings  
exempt from  
Parochial  
and County  
Burdens, &c.

XLIV. And for the better preventing Abuses in the said Gaol and Premises connected therewith, be it further enacted, That the Magistrates of the said Burgh shall and they are hereby required to appoint, from Time to Time, a Committee of their Number for the Purpose of personally visiting and inspecting the said Gaol, and who shall examine the State, Order, and Management of the same, and the Treatment, Health, and Condition of the Prisoners; and such Visitors shall enter a Report of all Matters which may occur to their Observation, in a Book to be kept for that Purpose in said Gaol, and which Book shall remain patent and open to all who have a Right to enter the Gaol as after mentioned; and it shall be lawful to the Sheriff of the said County, or his Substitutes in the said District, or to any One of the Magistrates of *Dundee*, without being appointed a Visitor of the said Gaol, to enter the same at any Time during the Day, and if he shall discover any Abuses therein, he is hereby required to report the same in Writing to the Magistrates of the said Burgh, who are hereby required, without Loss of Time, to take the Report into their Consideration; and if they shall find the Complaints made well founded to adopt the most effectual Measures for having Grounds thereof removed and rectified.

Gaol to be  
inspected by  
Visitors, &c.

XLV. And be it enacted, That when the Prisoners shall be removed from the present Gaol the same (forming Part of the Town House of the said Burgh) shall, with the Furniture and other Articles therein,

Old Gaol to  
belong to  
Magistrates.

therein, belong to the Magistrates and Town Council of the said Burgh, and form Part of the Property of the Community of the said Burgh, and shall and may be used, disposed of, or applied as the other Property of the said Burgh may be used, disposed of, or applied.

For Recovery of Penalties.

XLVI. And be it further enacted, That all Expences incurred, and also all Penalties, Forfeitures, and Fines by this Act imposed, or by any Bye Law, Rule, or Regulation made in pursuance of this Act, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before the Sheriff or Sheriff Substitute or any Justice of the Peace for the said County of *Forfar*, either by the Confession of the Party offending, or by the Oath of any credible Witness, or other competent Evidence, be levied, together with the Expence attending the Information and Conviction, by Poining and Sale of the Goods and Effects of the Party offending, by Warrant under the Hands of such Sheriff, Sheriff Substitute, or Justice, which Warrant such Sheriff, Sheriff Substitute, or Justice is hereby empowered and required to grant; and the Surplus (if any), after deducting such Expences, Penalties, Forfeitures, and Fines, and the Charges of such Poining and Sale, shall be returned to the Owner of such Goods and Effects; and in case such Expences, Penalties, Forfeitures, Fines, and Charges shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff, Sheriff Substitute, or Justice as aforesaid to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poining, such Time not to exceed Eight Days, unless the Offender shall give sufficient Security, to the Satisfaction of such Sheriff, Sheriff Substitute, or Justice, for his or her Appearance before such Sheriff, Sheriff Substitute, or Justice on such Day as shall be appointed before the Return of such Warrant of Poining, which Security such Sheriff, Sheriff Substitute, or Justice is hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for such Sheriff, Sheriff Substitute, or Justice, and he is hereby authorized and required, by Warrant under his Hand, to cause such Offender to be committed to the Gaol of the said Burgh of *Dundee*, there to remain for any Time not exceeding Three Months, unless such Expences, Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid, and the Monies recovered or levied for such Expences shall be applied to the Payment of the same respectively; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid (if not otherwise directed to be applied by this Act), shall be paid, applied, and disposed of for the Purposes of this Act.

Summary Process.

XLVII. And be it further enacted, That in recovering any Penalty imposed by this Act it shall be lawful for the Sheriff, Sheriff Substitute, Justice, or Magistrate before whom any Complaint for the Recovery thereof may be brought, to proceed, if there shall be Cause, in a summary Way, and to grant Warrant for bringing the Parties complained upon before him for Examination, and on Confession of the Party, or Probation by the Oath of any credible Witness, or other competent Evidence,

Evidence, to proceed to determine thereon, without any written Pleadings or Record of Evidence: Provided always, that a Record shall be preserved of the Charge and of the Judgment pronounced.

XLVIII. And be it further enacted, That no Order, Judgment, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be subject to Question or Review by Advocation, Suspension, Reduction, or by any other Process whatsoever, any Law or Statute to the contrary notwithstanding.

Proceedings  
not to be  
quashed for  
Want of  
Form.

XLIX. And be it further enacted, That the said Sheriff or Sheriff Substitute, Magistrates of *Dundee*, or any of them, or any Justice of Peace, shall not be disqualified from acting in any Matter relating to the Execution of this Act by reason of being a Commissioner for the Purposes thereof.

Sheriffs, &c.  
may act  
though Com-  
missioners.

L. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard and determined relative to this Act by reason only or on account that such Person or Persons shall act officially under the Appointment of the said Commissioners.

Testimony  
of Officers.

LI. And be it enacted, That the whole Expence incurred in preparing, applying for, and obtaining this Act, and the legal Interest of such Expences, shall be paid out of the Sums hereby authorized and directed to be levied.

Expence of  
Act.

LII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in the Execution or by virtue of this Act in any Case, unless wilful Corruption or Oppression, or culpable Negligence out of which real Injury has arisen, be charged, nor in any Event shall such Action or Suit be competent after Three Calendar Months from the Time the Fact is committed or Cause of Action has occurred; and the Defenders in such Action may produce this Act, and plead that the said Things were done by Authority and in virtue thereof; and if these shall appear so to be done, then and in that Case the said Defenders shall be assoilzied from such Action or Process, and the Pursuers in such Action shall be found liable to pay the said Defenders the whole Expences of Process incurred by the said Defenders.

Limitation of  
Actions.

LIII. Provided always, and be it enacted, That nothing in this Act contained shall alter or impair, or be so construed as to alter or impair, so much of the said Act of the First and Second Years of the Reign of His present Majesty as enacts that nothing therein contained shall affect or alter, or be so construed as to affect or alter, the Imposition or Payment of Cess or Land Tax or any other Public Burdens imposed or to be imposed in the Shire of *Forfar*, for and in respect of the several Lands or Heritages forming the annexed Territory mentioned

1 & 2 W. 4.  
c. 46. not to  
be altered.

[*Local.*]

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tioned

tioned in the said Act, and declares that such Lands and Heritages should not be liable in any Cess or Stent levied or to be levied under the Authority of the Magistrates and Council of the said Burgh; and generally, nothing in this Act contained shall affect, alter, or impair the Privileges or Exemptions given or granted by the said Act, nor any of the Provisions, Conditions, or Clauses thereof, excepting only in so far as is otherwise expressly provided in this Act.

Public Act. LIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1834.